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8
9 Attorneys for Plaintiffs

10 **IN THE UNITED STATES DISTRICT COURT**

11 **FOR THE DISTRICT OF ARIZONA**

12 IN RE BARD IVC FILTERS PRODUCTS
13 LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

14 Jeffrey Bunch, an individual,

Civil Action No.: 2:16-cv-01678-PHX-
DGC

15 Plaintiff,

16 v.

**FIRST AMENDED MASTER SHORT
FORM COMPLAINT FOR DAMAGES
FOR INDIVIDUAL CLAIMS**

17 C.R. Bard, Inc., a corporation, and Bard
18 Peripheral Vascular, Inc., an Arizona
19 corporation,

20 Defendants.

21 Plaintiff(s) named below, for their Complaint against Defendants named below,
22 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

23 Plaintiff(s) further show the Court as follows:

24 1. Plaintiff:

25 Jeffrey Bunch

1 2. Spousal Plaintiff or other party making loss of consortium claim:

2 Penny Bunch

3 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
4 conservator):

5 N/A

7 4. Plaintiff's state(s) [if more than one Plaintiff] of residence at the time of
8 implant:

9 Pennsylvania

11 5. Plaintiff's state(s) [if more than one Plaintiff] of residence at the time of
12 injury:

13 Pennsylvania

15 6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

16 Pennsylvania

17 7. District Court and Division in which venue would be proper absent direct
18 filing:

19 Middle District of Pennsylvania

21 8. Defendants (check Defendants against whom Complaint is made):

22 C.R. Bard Inc.

23 Bard Peripheral Vascular, Inc.

24 9. Basis of Jurisdiction:

25 Diversity of Citizenship

27 Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master
Complaint:

3 _____

4 _____

5 _____

6 _____

- Recovery® Vena Cava Filter
 - G2® Vena Cava Filter
 - G2® Express Vena Cava Filter
 - G2® X Vena Cava Filter
 - Eclipse® Vena Cava Filter
 - Meridian® Vena Cava Filter
 - Denali® Vena Cava Filter
 - Other:

11. Date of Implantation as to each product:

21 April 20, 2009

22 || 12. Counts in the Master Complaint brought by Plaintiff(s):

- 1 X Count IV: Negligence - Design

2 X Count V: Negligence - Manufacture

3 X Count VI: Negligence – Failure to Recall/Retrofit

4 X Count VII: Negligence – Failure to Warn

5 X Count VIII: Negligent Misrepresentation

6 X Count IX: Negligence *Per Se*

7 X Count X: Breach of Express Warranty

8 X Count XI: Breach of Implied Warranty

9 X Count XII: Fraudulent Misrepresentation

10 X Count XIII: Fraudulent Concealment

11 X Count XIV: Violations of Applicable Pennsylvania Law
12 Prohibiting Consumer Fraud and Unfair and Deceptive Trade
13 Practices

14 X Count XV: Loss of Consortium

15 Count XVI: Wrongful Death

16 Count XVII: Survival

17 X Punitive Damages

18 Other(s): _____ (please state the facts supporting
19 this Count in the space immediately below)

20

21

22

23

1 _____
2 _____

3 13. Jury Trial demanded for all issues so triable?

4 X Yes

5 - No

6
7 RESPECTFULLY SUBMITTED this 13th day of July, 2016.

8 **LOWE LAW GROUP**

9 By: /s/ Jonathan Peck
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21 *Attorneys for Plaintiffs*

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23 **CERTIFICATE OF SERVICE**

24 I hereby certify that on this 13th day of July, 2016, I electronically transmitted the
25 attached document to the Clerk's Office using the CM/ECF System for filing and
26 transmittal of a Notice of Electronic Filing.
27
28

/s/ Jonathan Peck